

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**KESTREL OSHIN,**

Plaintiff,

v.

**DONALD TRUMP,**

Defendant.

**MOSMAN, J.,**

No. 3:16-cv-02326-MO

OPINION AND ORDER

Pro se Plaintiff Oshin filed a Complaint [2] against Donald Trump based on allegations that Mr. Trump committed “crimes of a federal nature” in the past year, which preclude him from running from office. Plaintiff also filed an Application to Proceed *in forma pauperis* [1] and a Motion for Appointment of Counsel [3].

Plaintiff’s Application to Proceed *in forma pauperis* is GRANTED and the Motion for Appointment of Counsel is DENIED. For the reasons set forth below, Plaintiff’s Complaint is DISMISSED without service of process.

## DISCUSSION

Under 28 U.S.C. § 1915(e)(2)(B)(ii), a complaint filed *in forma pauperis* must be dismissed before service of process if it fails to state a claim on which relief may be granted.

The plaintiff must allege “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *see also, Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Thus, the complaint must contain “well-pleaded facts” that “permit the court to infer more than the mere possibility of misconduct.” *Iqbal*, 556 U.S. at 679.

Here, the face of the Complaint fails to allege sufficient facts to state a cause of action that is plausible on its face. The Complaint fails to state any facts to support an allegation of wrongdoing, and it fails to properly assert Plaintiff’s standing to bring a lawsuit against Defendant based on Plaintiff’s belief that Defendant has committed federal crimes.

For the reasons stated above, I GRANT the Application to Proceed *in forma pauperis* [1], but I DISMISS the Complaint [2] without service of process. Plaintiff’s Motion for Appointment of Counsel [3] is DENIED.

IT IS SO ORDERED.

DATED this 6th day of January, 2017.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
Chief United States District Judge